

Mediation Support: Rationale and Characteristics

ENGLISH only

OSCE Expert Meeting Vienna, 12 July 2011. “Strengthening the Mediation-Support Capacity within the OSCE”

Dr. Simon Mason, Mediation Support Project (Center for Security Studies, ETH Zurich and swisspeace, Bern, funded by the Swiss FDFA) mason@sipo.gess.ethz.ch

Aim: The aim of this short presentation is to clarify what mediation support is, and why mediation support is needed. To do this, we first clarify key terms and highlight the increased complexity of today’s mediation process. Based on this, we then show how mediation support is one useful way of addressing the complexity and improving the sustainability and impact of mediation.

Mediation: There are many different definitions of mediation and subsequently also of mediation support. In the following, mediation will be defined as assisted negotiations. Negotiations, in its turn, are defined as a process of joint decision-making and conflict transformation by the involved actors.¹ Conflicts can in many cases be solved by the parties themselves without external help through negotiations. In some cases, however, a third party can assist them in this process. This is when we speak about mediation. There are different definitions of what mediation entails, one useful one is the following: “Mediation is a process of dialogue and negotiation in which a third party assists two or more disputant parties, with their consent, to prevent, manage or resolve a conflict without the use of force. The general goal is to enable the parties to reach agreements they find satisfactory and are willing to implement. Mediation should be regarded as a specialized endeavor, encompassing a body of knowledge and a set of strategies, tactics, skills and techniques.”² A central notion of mediation, is that the mediator has no decision making power on content questions involved in the conflict (the “what” question), even if she or he has decision making power on process questions (the “how” question) as long as it is line with her or his mandate.

Rationale for mediation: Why is mediation a useful tool to deal with conflicts? There are three main reasons. First, it is *non intrusive*, as it leaves a high degree of autonomy with the parties. The mediator does not have a say on the content of the agreement, so that any agreement that is reached is more likely to be legitimate and sustainable. Second, mediation is *cost effective*, as it is often much cheaper than other forms of dealing with conflict, such as peace enforcement. Third, mediation is *effective*. Research indicates a five times greater probability of parties reaching an agreement to deal with their crisis if they are assisted by mediation than if they are not. Furthermore, there seems to be a 2.4 greater probability of longer-term tension reduction, if mediation is involved.³

Complexity of mediation processes: Even if no two mediation processes are the same, there are many indications that mediation processes are increasingly complex. The complexity is due to the different roles, topics and phases involved in a mediation process.

Numerous roles: One typical set-up of a mediation process is the following: the lead mediator is the head of the process, the moral guarantor, the “Chef d’orchestre”. All threads run through her or his hands. This is vital to maintain coherence and consistency. However, the chief mediator can impossibly fulfill all tasks

¹ William Zartman. Negotiation as a Joint Decision-Making Process. Journal of Conflict Resolution, Vol 21, No. 4 Dec. 1977.

² Laurie Nathan, 6 November 2009, „Plan of action to build the Au’s mediation capacity“.

³ Beardsley, Kyle C./Quinn, David M./Biswas, Bidisha/Wilkenfeld, Jonathan. Mediation Style and Crisis Outcomes. In: Journal of Conflict Resolution, 50(2006), Nr. 1, S. 58-86.

required. The Chief mediator therefore works closely with mid-level mediators, who are the ones to actually mediate the working group and committee level sessions. They are trained in process design, and can assist the chief mediator – who is often politically appointed – in the techniques and skills of mediation. On site – where the mediation process takes place – there is also the staff in charge of security, and the secretariat. Donors, observers and the media may come and go, depending on how the Chief mediator wants to control their access. The Chief mediator will also be in charge of making sure that the various constituencies are consulted, and any parallel processes (e.g. with civil society actors) are coordinated. When and where needed, mediation support staff may also come and go, bringing in specific topical, process or logistical questions, and making sure that lessons from one process are carried over to another.

Numerous topics: depending on the conflict, peace processes may involve security issues, power sharing and institutional issues, questions of justice, reconciliation and dealing with the past, issues of environment, economy and wealth sharing, as well as social and cultural issues. For the various topics, experts may have to come into the mediation process, to discuss options with the parties, and also help in capacity building if the knowledge is not sufficient.

Numerous phases: It is helpful to differentiate between different phases of a mediation process, even if in many cases different actors may be at different phases at the same time. In the pre-pre-negotiation phase, parties are not yet willing to negotiate, but it is useful for a third party to be in contact with them, to understand their views and perspectives and build trust. In a pre-negotiation phase, the parties are willing to negotiate, but the where, when, how and goal of the negotiations still has to be clarified. In the negotiation phase, the parties than negotiate mutually acceptable outcome to their conflict, typically written down in a peace agreement. This is followed by the implementation phase, where mediators may also help in some instances, even though in a different role and with a different mandate.⁴

The complexity of mediation processes, and the difficulty of mediators to fulfill all tasks required, is the main rationale for mediation support

Mediation support: Mediation support can be defined as the systematic, structured, rigorous, professional and ongoing support to mediation processes. It implies 1) analysis, 2) planning, 3) coordination, 4) implementation, 5) communication and 6) evaluation.⁵

Typical tasks of mediation support include 1) *research and knowledge management*, developing lessons learned and operational guidance. Many organizations do mediation, but do not systematically write up what worked, what did not work and why. This systematic debriefing and production of lessons learned is vital if practice is to improve.⁶ 2) *Training* of future mediators and mediation support staff is needed, because mediation is part art, but very much also a technique and skill that can be learnt. The focus is on the process, on the how, rather than so much on the what. Serious mediation training takes months if not years, yet already with short workshops, some of the main ideas and approaches can be learnt and practiced. One example of such a short training is the annual two-week “Peace Mediation Course” of the

⁴ The phase model in this form was introduced by Julian T. Hottinger at the Peace Mediation Course, www.peacemediation.ch

⁵ Laurie Nathan, Brian Ganson, Nicklas Svensson, unpublished

⁶ Simon Mason, Matthias Siegfried, „Debriefing Mediators to Learn from their Experiences” USIP 2010, online at http://www.peacemediation.ch/resources/documents/PMT_Debriefing_Mediators.pdf

Swiss FDFA.⁷ 3) *Operational process support* can come in different shapes and sizes. Workshops for parties in a conflict may help them prepare for negotiations, gain exposure to different ideas and options, and may be one confidence building measure. Operational support to processes may also entail logistical support, or finding and bringing in topical or process experts if needed by the chief or mid-level mediators. 4) *Coordination, networking, and outreach* is another task of mediation support, to avoid counter-productive third party competition and make use of synergies between different mediators and mediation support actors. One example is the Mediation Support Network.⁸

Structures of mediation support: Mediation support structures can be set-up “internally” within a mediation organization, for example the UN Mediation Support Unit in the UN DPA. Another structural set-up is to have mediation support located “externally”, where different think tanks, NGOs, consultants are called in for specific mediation support tasks. In the Swiss case, the mediation support structure is a hybrid form, part internal, part external. The hybrid “Mediation Support Project” aims to make best use of the existing capacities in the Swiss FDFA, swisspeace, Bern, and the Center for Security Studies, ETH Zurich.⁹ In the case of the OSCE, an internal structure, based at the Center Prevention Center of the OSCE secretariat, seems the most promising, due the nature of the organization with many member states and the need for confidential and long-term working relationships. This does not preclude, however, working with external mediation support organizations for some specific tasks. Coordination and confidential lessons learned work, however, are often ideally carried out internally.

Conclusions

Mediation is one useful tool to peacefully deal with conflicts. The mediators assist the parties in negotiations to resolve conflicts, and the mediation support staff assists the mediators in this work. One key reason for mediation support is the increased complexity of mediation processes. The chief mediator cannot fulfill all tasks required, she or he needs an on-site mediation team, and an on and off site mediation support capacity to produce “good” mediation. Mediation support is also needed to carry lessons from one process to the next, to enable institutional learning in the area of mediation. Experience indicates that mediation support leads to more relevant, effective and sustainable mediation interventions. To do this well, mediation support requires resources, specialized structures and units, an appropriate strategy and conceptual basis, and leadership. While mediation is inherently political, mediation support is not. The aim of mediation support is to provide a sound technical basis for high quality mediation.

⁷ www.peacemediation.ch

⁸ www.mediationsupportnetwork.net

⁹ Different mediation support structures conceptualized by Matthias Siegfried, Mediation Support Project, swisspeace, Bern.